



The World's Favorite

Sun-Maid Growers of California

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Via Fax and Email

Docket Clerk
Fruit & Vegetable Programs AMS, U.S.D.A.
1400 Independence Avenue, SW
Mail Stop 0243
Washington, DC 20250-0243

Reference: Docket Number FV06-1290-1PR
FR Vol. 71, No. 76, pages 20353-20357

Dear Sirs:

On behalf of the over 1,000 raisin growers of Sun-Maid Growers of California who produce approximately one third of California's raisin production together with a variety of other dried fruits, I am submitting this written comment based on the above-mentioned proposed rule relating to the Specialty Crop Block Grant Program.

Sec. 1290.4(a) of the proposed regulation deals with the eligibility of projects under the program and specifically provides that priority be given to "fresh" specialty crop projects. We assume therefore that specialty crops that are dried, frozen or processed in any other way would not enjoy such a priority.

Based on this assumption we are at a loss as to why this provision was included in the proposed rule given the statutory definition of specialty crops and its specific inclusion of all fruits and vegetables, dried fruits, tree nuts and nursery crops. Nowhere does the definition differentiate between "fresh" and other fruits and vegetables whether they are dried, frozen or in any other way processed. Moreover, the authorizing legislation, the Specialty Crop Competitiveness Act of 2004 (7 USC 1621) makes no such distinction nor confers any priority on "fresh" specialty crops.

It is not at all clear why the AMS seeks to establish this priority, on its own initiative, given the statutory definitions and the debate surrounding the Specialty Crops Competitiveness Act of 2004. In fact, it seems inconsistent with other long-held policy decisions of the agency like the prohibition of disparaging advertisements under the USDA marketing and promotion orders. Clearly that policy was to allow individual



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commodities the ability to sing their own praises and promote their own positive attributes without disparaging other commodities in the marketplace. This type of policy places the agency in the proper role of administering its various programs without any favor or priority of one commodity over another.

Based on the foregoing, we believe it is clear that creating a priority for one type of specialty crop over another in a block grant program without a statutory directive to do so is bad policy and just plain wrong. The Department's emphasis should be promoting a well rounded nutritious diet for all Americans. We therefore respectfully request this priority be removed from any final rule that the agency seeks to promulgate.

Sincerely,



Barry F. Kriebel
President

BFK/mas